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Paula S. Inickhart
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: CLARIFICATION OF PROTEIN
PRECIPITATE SUSPENSIONS USING
ANIONIC POLYMERIC FLOCCULANTS

RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 5, 2004

Sir:

This paper is submitted in response to the Restriction Requirement dated January 5, 2004 for which the date for response is February 5, 2004.

It is believed that no fee is due; however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/**11916.0042.DVUS01**.

In the Restriction Requirement, the Examiner required that Applicant elect one of the following inventions:

Group I: Claims 36–39 and 43–52, drawn to compositions comprising somatotropin and polyacrylamide.

Group II: Claims 40–42 and 53–55, drawn to compositions comprising somatotropin and polysaccharide.

A. In response to this rejection applicant asserts that a search and examination of all pending claims can be made without serious burden. Therefore, in accordance with MPEP § 803, Applicant is entitled to an examination on the merits of all claims pending in the current application, regardless of whether the claims are drawn to independent or distinct inventions.

In support of this assertion, Applicant notes that individual method claims drawn to the use of somatotropin solutions comprising either a polyacrylamide or a polysaccharide were both examined in the parent of the present application. Applicant further notes that currently pending claim 36 is not limited to either polyacrylamides. Moreover, the unrestricted nature of the claims in the parent case were presumably due to the generic anionic charge density requirement and the combination of soluble somatotropin monomers and aggregated flocculant and insoluble contaminants.

In view of these facts, Applicant respectfully requests that the Examiner reconsider and withdraw the instant restriction requirement and examine all claims pending in the current Application.

B. Notwithstanding the foregoing (in compliance with 37 C.F.R. § 1.143), in response to the restriction requirement which the Examiner imposed, Applicant elects, with traverse, to prosecute claims 36–39 and 43–52, *i.e.*, the Group I claims.

The Examiner is invited to contact the undersigned patent agent at (713) 787-1589 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Matthew L. Madsen
Reg. No. 45,594
Patent Agent for Assignee
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Date: January 26, 2004